

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Timothy L. and Teresa M. Billig,	:	Chapter 12
	:	
	:	Case No. 20-12771 (PMM)
	:	
Debtors.	:	

ORDER REGARDING STIPULATION

AND NOW upon consideration of the Stipulation and Consent Order (doc. #65, the “Stipulation”)¹ entered between the Debtors and Fulton Bank, N.A. (“Fulton”);

AND the Stipulation purporting to resolve Fulton’s Motion for Order Confirming that the Stay has been Terminated (doc. #58, the “Motion”);

AND the previous version of the Stipulation having been discussed at the hearing on the Motion, held and concluded on May 17, 2022;

AND a review of the revised Stipulation showing that the terms of the proposed agreement between the parties remain materially different from the parameters of the confirmed Plan. Compare §4(f) and §7(c) of the Plan (doc. #30) with ¶8 and ¶9 of the Stipulation;

BUT a confirmed Plan may not be modified by stipulation. SCH Corp. v. CFI Class Action Claimants, 597 F. App'x 143, 148 (3d Cir. 2015); In re Oakhurst Lodge, Inc., 582 B.R. 784, 792 (Bankr. E.D. Cal. 2018);

AND therefore it is hereby **ordered** that:

- 1) The Stipulation is **not approved**;
- 2) The Motion **remains pending**; and

¹ The Stipulation amends an earlier version of the settlement between the parties. See doc. # 63.

- 3) The relief ordered herein is **without prejudice** to the filing either of a Motion to Modify the Confirmed Plan, see 11 U.S.C. §1229, or the presentation of a stipulation resolving the Motion which does not alter or conflict with the terms of the Plan.



Date: May 24, 2022

PATRICIA M. MAYER
U.S. BANKRUPTCY JUDGE